

NICOLETTI HORNIG & SWEENEY

Attorneys for Plaintiff
and Counterclaim Defendant
Wall Street Plaza
88 Pine Street
New York, New York 10005
(212) 220-3830
Attorney: Lawrence C. Glynn (LG 6431)
NH&S File No.: 80000233LCG

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
NEW HAMPSHIRE INSURANCE COMPANY,
as Subrogee of ST. PAUL YACHT CLUB,

Case No.: 08 Civ. 5213 (CM)

Plaintiff,

**ANSWER TO
COUNTERCLAIMS**

-against-

TOTAL TOOL SUPPLY, INC.,

Defendant.
-----X

Counterclaim defendant, St. Paul Yacht Club ("SPYC") as subrogor of plaintiff, New Hampshire Insurance Company ("NHIC" or "Plaintiff") by its attorneys, Nicoletti Hornig & Sweeney, for its Answer to defendant Total Tool Supply, Inc.'s ("Total Tool") counterclaims, upon information and belief, alleges:

1. Denies each and every allegation set forth in paragraph "62" of Total Tool's Answer and Counterclaim.
2. Denies each and every allegation set forth in paragraph "63" of Total Tool's Answer and Counterclaim.

WHEREFORE, Counterclaim Defendant SPYC demands judgment as follows:

- a) Dismissing the Counterclaim with prejudice;
- b) its cost of suit in defending this Counterclaim;
- c) interest at the legal rate, and
- d) such other and further relief as this Court may deem just and proper.

Dated: New York, New York
August 29, 2008

Yours, etc.,

NICOLETTI HORNIG & SWEENEY

Attorneys for Counterclaim Defendant

St. Paul Yacht Club

By: 

Lawrence C. Glynn (LG-6431)

Wall Street Plaza

88 Pine Street

New York, New York 10005

(212) 220-3830

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To:

Michael J. Vatter

Wilson, Elser, Moskowitz, Edelman

& Dicker

Attorneys for Defendant

Total Tool Supply, Inc.

150 East 42nd Street

New York, New York 10017-5639

(212) 490-3000

File No.: 09662.00029

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
: S.S.:
COUNTY OF NEW YORK)

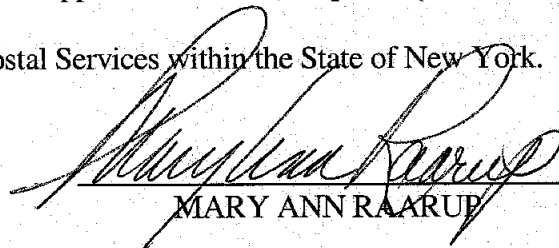
MARY ANN RAARUP, being duly sworn, deposes and says:

I am employed by the firm of NICOLETTI HORNIG & SWEENEY, attorneys for the Counterclaim Defendant. I am not a party to this action, am over 18 years of age and reside in Suffolk County, New York.

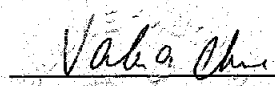
On **August 29, 2008**, I served the annexed **ANSWER TO COUNTERCLAIMS**, upon the following:

Michael J. Vatter
WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER
Attorneys for Defendant
Total Tool Supply, Inc.
150 East 42nd Street
New York, New York 10017-5639
(212) 490-3000
File No.: 09662.00029

at the addresses designated by said attorneys for that purpose, by depositing true copies of same enclosed in postpaid, properly addressed wrappers in an official depository under the exclusive care and custody of the United States Postal Services within the State of New York.


MARY ANN RAARUP

Sworn to before me this
29th day of August, 2008



Notary Public
VALERIE A. CLUNE
Notary Public, State of New York
No. 01CL4880479
Qualified in Queens County
Certificate Filed in New York County
Commission Expires Dec. 15, 20 10